

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 2005 be amended to read as follows:

- 1 Page 2, line 11, delete "has a conservation easement, as defined in"
- 2 and insert "**does not exceed five hundred (500) acres; and**".
- 3 Page 2, delete lines 12 through 13.
- 4 Page 8, delete lines 12 through 31, begin a new paragraph and
- 5 insert:
- 6 "**(e) An owner must file with an application for exemption of**
- 7 **real property under subsection (a) or section 5 of this chapter a**
- 8 **copy of the township assessor's record kept under IC 6-1.1-4-25(a)**
- 9 **that shows the calculation of the assessed value of the real property**
- 10 **for the assessment date for which the exemption is claimed. Upon**
- 11 **receipt of the exemption application, the county assessor shall**
- 12 **examine that record and determine if the real property for which**
- 13 **the exemption is claimed is properly assessed. If the county**
- 14 **assessor determines that the real property is not properly assessed,**
- 15 **the county assessor shall direct the township assessor of the**
- 16 **township in which the real property is located to:**
- 17 **(1) properly assess the real property; and**
- 18 **(2) notify the county assessor and county auditor of the**
- 19 **proper assessment.**
- 20 **(f) If the county assessor determines that the applicant has not**
- 21 **filed with an application for exemption a copy of the record**
- 22 **referred to in subsection (e), the county assessor shall notify the**
- 23 **applicant in writing of that requirement. The applicant then has**
- 24 **thirty (30) days after the date of the notice to comply with that**
- 25 **requirement. The county property tax assessment board of appeals**
- 26 **shall deny an application described in this subsection if the**
- 27 **applicant does not comply with that requirement within the time**
- 28 **permitted under this subsection.**
- 29 SECTION 5. IC 6-1.1-11-3.5, AS AMENDED BY P.L.198-2001,
- 30 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 UPON PASSAGE]: Sec. 3.5. (a) A not-for-profit corporation that seeks
- 32 an exemption provided by IC 6-1.1-10 for 2000 or for a year that

1 follows 2000 by a multiple of two (2) years must file an application for
2 the exemption in that year. However, if a not-for-profit corporation
3 seeks an exemption provided by IC 6-1.1-10 for a year not specified in
4 this subsection and the corporation did not receive the exemption for
5 the preceding year, the corporation must file an application for the
6 exemption in the year for which the exemption is sought. The
7 not-for-profit corporation must file each exemption application in the
8 manner (other than the requirement for filing annually) prescribed in
9 section 3 of this chapter.

10 (b) A not-for-profit corporation that receives an exemption provided
11 under IC 6-1.1-10 for a particular year that remains eligible for the
12 exemption for the following year is only required to file a statement to
13 apply for the exemption in the years specified in subsection (a), if the
14 use of the not-for-profit corporation's property remains unchanged.

15 (c) A not-for-profit corporation that receives an exemption provided
16 under IC 6-1.1-10 for a particular year which becomes ineligible for the
17 exemption for the following year shall notify the ~~auditor~~ **assessor** of the
18 county in which the tangible property for which it claims the exemption
19 is located of its ineligibility on or before May 15 of the year for which
20 it becomes ineligible. If a not-for-profit corporation that is receiving an
21 exemption provided under IC 6-1.1-10 changes the use of its tangible
22 property so that part or all of that property no longer qualifies for the
23 exemption, the not-for-profit corporation shall notify the ~~auditor~~
24 **assessor** of the county in which the tangible property for which it
25 claims the exemption is located of its ineligibility on or before May 15
26 of the year for which it first becomes ineligible. The county ~~auditor~~
27 **assessor** shall immediately notify the county ~~assessor~~ **auditor** of the
28 not-for-profit corporation's ineligibility or disqualification for the
29 exemption. A not-for-profit corporation that fails to provide the
30 notification required by this subsection is subject to the penalties set
31 forth in IC 6-1.1-37-9.

32 (d) For each year that is not a year specified in subsection (a), the
33 auditor of each county shall apply an exemption provided under
34 IC 6-1.1-10 to the tangible property owned by a not-for-profit
35 corporation that received the exemption in the preceding year unless
36 the county property tax assessment board of appeals determines that the
37 not-for-profit corporation is no longer eligible for the exemption.

38 (e) The department of local government finance may at any time
39 review an exemption provided under this section and determine
40 whether or not the not-for-profit corporation is eligible for the
41 exemption."

42 Page 8, line 42, delete "corporation;" and insert "**entity**;"

43 Page 9, delete lines 21 through 42, begin a new paragraph and
44 insert:

45 "SECTION 7. IC 6-1.1-11-5 IS AMENDED TO READ AS
46 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) **Before May**
47 **16 of each even-numbered year, the county auditor shall provide**
48 **to the county assessor a list by taxing district of property for which**
49 **a tax exemption was in effect for the immediately preceding year.**
50 **Before July 1 of each even-numbered year, the county assessor**
51 **shall return the list to the county auditor with a notation of any**

action of the county property tax assessment board of appeals on that year's exemption of each listed property.

(b) The ~~auditor~~ **assessor** of the county in which property is located shall, in ~~a particular~~ **each even-numbered** year, mail a notice to the owner of the property if:

- (1) the owner has not applied for a tax exemption for that year;
- (2) a tax exemption for the property was in effect for the immediately preceding year; and
- (3) the owner is required to file an application for the exemption for that year under section 3 ~~or~~ 3.5 of this chapter.

~~(b)~~ (c) The notice required by ~~this section~~ **subsection (b)** must:

- (1) identify the property by key number, if any, and a street address, if any, or other common description of the property other than a legal description; and
- (2) state that the property will be placed on the county tax duplicate unless the owner applies for an exemption within fifteen (15) days after the date the notice is mailed.

The county ~~auditor~~ **assessor** shall mail any notice required by ~~this section or subsection (b)~~ before June ~~15~~ **16** of the year in which the exemption application should have been filed.

~~(c)~~ (d) A county ~~auditor's~~ **assessor's** failure to give the notice required by ~~this section~~ **subsection (b)** does not continue an exemption unless an exemption application is filed by the owner and approved by the county property tax assessment board of appeals on or before the first Monday in November of the year following the year in which the application should have been filed."

Page 10, delete lines 1 through 3.

Page 11, delete lines 24 through 42, begin a new paragraph and insert:

"SECTION 12. IC 6-1.1-21-4, AS AMENDED BY P.L.192-2002(ss), SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) Each year the department shall allocate from the property tax replacement fund an amount equal to the sum of:

- (1) each county's total eligible property tax replacement amount for that year; plus
- (2) the total amount of homestead tax credits that are provided under IC 6-1.1-20.9 and allowed by each county for that year; plus
- (3) an amount for each county that has one (1) or more taxing districts that contain all or part of an economic development district that meets the requirements of section 5.5 of this chapter. This amount is the sum of the amounts determined under the following STEPS for all taxing districts in the county that contain all or part of an economic development district:

STEP ONE: Determine that part of the sum of the amounts under section 2(g)(1)(A) and 2(g)(2) of this chapter that is attributable to the taxing district.

STEP TWO: Divide:

- (A) that part of the subdivision (1) amount that is

1 attributable to the taxing district; by

2 (B) the STEP ONE sum.

3 STEP THREE: Multiply:

4 (A) the STEP TWO quotient; times

5 (B) the taxes levied in the taxing district that are allocated to
6 a special fund under IC 6-1.1-39-5.

7 (b) Except as provided in subsection (e), between March 1 and
8 August 31 of each year, the department shall distribute to each county
9 treasurer from the property tax replacement fund one-half (1/2) of the
10 estimated distribution for that year for the county. Between September
11 1 and December 15 of that year, the department shall distribute to each
12 county treasurer from the property tax replacement fund the remaining
13 one-half (1/2) of each estimated distribution for that year. The amount
14 of the distribution for each of these periods shall be according to a
15 schedule determined by the property tax replacement fund board under
16 section 10 of this chapter. The estimated distribution for each county
17 may be adjusted from time to time by the department to reflect any
18 changes in the total county tax levy upon which the estimated
19 distribution is based.

20 (c) On or before December 31 of each year or as soon thereafter as
21 possible, the department shall make a final determination of the amount
22 which should be distributed from the property tax replacement fund to
23 each county for that calendar year. This determination shall be known
24 as the final determination of distribution. The department shall
25 distribute to the county treasurer or receive back from the county
26 treasurer any deficit or excess, as the case may be, between the sum of
27 the distributions made for that calendar year based on the estimated
28 distribution and the final determination of distribution. The final
29 determination of distribution shall be based on the auditor's abstract
30 filed with the auditor of state, adjusted for postabstract adjustments
31 included in the December settlement sheet for the year, and such
32 additional information as the department may require.

33 (d) All distributions provided for in this section shall be made on
34 warrants issued by the auditor of state drawn on the treasurer of state.
35 If the amounts allocated by the department from the property tax
36 replacement fund exceed in the aggregate the balance of money in the
37 fund, then the amount of the deficiency shall be transferred from the
38 state general fund to the property tax replacement fund, and the auditor
39 of state shall issue a warrant to the treasurer of state ordering the
40 payment of that amount. However, any amount transferred under this
41 section from the general fund to the property tax replacement fund
42 shall, as soon as funds are available in the property tax replacement
43 fund, be retransferred from the property tax replacement fund to the
44 state general fund, and the auditor of state shall issue a warrant to the
45 treasurer of state ordering the replacement of that amount.

46 (e) Except as provided in subsection (i), the department shall not
47 distribute under subsection (b) and section 10 of this chapter the money
48 attributable to the county's property reassessment fund if, by the date
49 the distribution is scheduled to be made:

50 (1) the county auditor has not sent a certified statement required

1 to be sent by that date under IC 6-1.1-17-1; **or**
 2 **(2) the county assessor has not forwarded the duplicate copies**
 3 **of all approved exemption applications required to be**
 4 **forwarded by that date under IC 6-1.1-11-8(a);**
 5 to the department of local government finance.

6 (f) Except as provided in subsection (i), if the elected township
 7 assessors in the county, the elected township assessors and the county
 8 assessor, or the county assessor has not transmitted to the department
 9 of local government finance by October 1 of the year in which the
 10 distribution is scheduled to be made the data for all townships in the
 11 county required to be transmitted under IC 6-1.1-4-25(b), the state
 12 board or the department shall not distribute under subsection (b) and
 13 section 10 of this chapter a part of the money attributable to the
 14 county's property reassessment fund. The portion not distributed is the
 15 amount that bears the same proportion to the total potential distribution
 16 as the number of townships in the county for which data was not
 17 transmitted by August 1 as described in this section bears to the total
 18 number of townships in the county.

19 (g) Money not distributed ~~under subsection (e)~~ **for the reasons**
 20 **stated in subsection (e)(1) and (e)(2)** shall be distributed to the county
 21 when:

22 **(1) the county auditor sends to the department of local**
 23 **government finance the certified statement required to be sent**
 24 **under IC 6-1.1-17-1; and**

25 **(2) the county assessor forwards to the department of local**
 26 **government finance the approved exemption applications**
 27 **required to be forwarded under IC 6-1.1-11-8(a);**

28 with respect to which the failure to send **or forward** resulted in the
 29 withholding of the distribution under subsection (e).

30 (h) Money not distributed under subsection (f) shall be distributed
 31 to the county when the elected township assessors in the county, the
 32 elected township assessors and the county assessor, or the county
 33 assessor transmits to the department of local government finance the
 34 data required to be transmitted under IC 6-1.1-4-25(b) with respect to
 35 which the failure to transmit resulted in the withholding of the
 36 distribution under subsection (f).

37 (i) The restrictions on distributions under subsections (e) and (f) do
 38 not apply if the department of local government finance determines
 39 that:

40 (1) the failure of:

41 **(A) a county auditor to send a certified statement; or**

42 **(B) a county assessor to forward copies of all approved**
 43 **exemption applications;**

44 as described in subsection (e); or

45 (2) the failure of an official to transmit data as described in
 46 subsection (f);

47 is justified by unusual circumstances."

- 1 Delete pages 12 through 13.
- 2 Page 14, delete lines 1 through 12.
- 3 Renumber all SECTIONS consecutively.
(Reference is to EHB 2005 as printed April 8, 2003.)

Senator ZAKAS